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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,256	02/23/2000	Robert Lawrence Gallick	PH 00-09	4237

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 07/17/2003

*S*

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/511,256	GALICK ET AL.
	Examiner	Art Unit
	Shick C Hom	2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 April 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 4/21/03 have been fully considered but they are not persuasive.
2. Applicant's arguments with respect to claims 3-17 have been considered but are moot in view of the new ground(s) of rejection.

***Specification***

3. The disclosure is objected to because of the following informalities: in page 1 line 5 which recite application serial no. 09/459824 does not appear to be correct; further, update status of copending applications recited in page 1 lines 5, 7, and 9. Appropriate correction is required.
4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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***Claim Objections***

5. Claims 3-17 are objected to because of the following informalities: in claim 3 line 11, the words "incoming call" seem to refer back to "incoming call" recited in claim 3 line 4. If this is true, it is suggested changing "incoming call" to ---of the incoming call---. In claim 3 line 5 delete "said means" and insert ---said means for submitting questionnaire---, for clarity. In claims 4-17 line 1 delete "A packet switched call center communications system" and insert ---The packet switched call center communications system--- because they're reciting the system of claim 3. In claim 4 line 3, the words "a questionnaire" seems to refer back to "a questionnaire" recited in claim 3 line 7. If this is true, it is suggested changing "a questionnaire" to ---the questionnaire---. In claims 7 line 3, claims 14, 15 line 2 the word "calls" seems to refer back to "calls" recited in claim 3 line 10. If this is true, it is suggested changing "calls" to ---the calls---. In claim 11 line 2 delete typo "claim wherein" and insert ---claim 3 wherein---. Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

6. Claims 10, 13, and 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10 line 2 which recite "said data base" lacks clear antecedent basis because no data base have been previously recited in the claims and therefore the limitation is not clearly understood. In claim 13 line 3 which recite "said individual call's position" lacks clear antecedent basis. In claim 16 line 2 which recite "the current call queue" and line 3 which recite "the previous call queue" lack clear antecedent basis. In claim 17 line 2 which recite "at a lower priority" is not clear as to what is at a lower priority or whether it is reciting that said call remains in the call queue is assign a lower priority.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in-  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

8. Claims 3, 5-9, 11-12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Busey et al.

Regarding claim 3:

Busey et al. disclose the packet switched call center communications system for delivering voice over Internet Protocol telephone calls to any of a plurality of attendant positions serving a subscriber (col. 4 lines 41-67), comprising: means operable incident to an incoming call arriving to said subscriber for submitting a respective subscriber-defined questionnaire to a caller (col. 9 lines 42-55 where the request for login name and password correspond to the subscriber-defined questionnaire to a caller), said means being controllable by any of said attendant positions; means for processing a questionnaire returned by said caller (col. 9 lines 42 to col. 10 line 17) to ascertain the nature or purpose of said call (col. 7 lines 49-65 where

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determining the customer's inquiry needs corresponds to ascertaining the nature or purpose of said call); and means responsive to said questionnaire processing means for displaying to said attendant positions a queue of calls incoming to said subscriber the nature or purpose of each incoming call (col. 8 lines 9-26 which recite the queue of waiting call to be assigned clearly anticipate the queue of calls incoming and col. 13 lines 41-49 which recite displaying the answer entry clearly reads on displaying the nature or purpose of each incoming call).

Regarding claim 5:

Busey et al. disclose wherein said means for displaying displays the status of completion of said questionnaire associated with each of said calls in said queue (col. 11 lines 21-41).

Regarding claim 6:

Busey et al. disclose said means for displaying displays the time each of said calls has remained in said queue (col. 8 lines 9-26).

Regarding claim 7:

Busey et al. disclose said means for displaying displays a plurality of options for selectively controlling the disposition of calls in said queue (col. 1 lines 46-63).

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Regarding claim 8:

Busey et al. disclose said means for processing said questionnaire includes means for spotting text entered into said questionnaire by said caller (col. 13 lines 29-40).

Regarding claim 9:

Busey et al. disclose said means for text spotting searches said questionnaire to ascertain the name of a party associated with said subscriber (col. 9 line 42 to col. 10 line 17).

Regarding claim 11:

Busey et al. disclose said means for displaying displays a priority accorded to each of said calls displayed in said queue (col. 3 lines 22-44).

Regarding claim 12:

Busey et al. disclose said means for displaying includes means for altering said priority to be accorded to any of the calls in said queue (col. 11 lines 50-64).

Regarding claim 14:

Busey et al. disclose wherein calls in said queue may be accorded relative priorities according to a calling-party-defined urgent call status (see col. 7 line 66 to col. 8 line 8 and col. 11 lines 50-64 which recite giving a preferred customer priority in search queues).

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***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>©</sup> and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey et al. in view of Birze.

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Busey et al. disclose the packet switched call center communications system as described in paragraph 8 of this office action. Further, regarding claim 10: Busey et al. disclose said means for text spotting initiates a search of said data base to locate said name (col. 11 lines 8-21).

Busey et al. did not recite wherein means for processing said questionnaire includes means for indexing a questionnaire according to the directory number of said caller as in claim 4 and the located directory number corresponding to said name as in claim 10.

Birze recite a directory number associated with a calling party subscriber being included within a call setup signal and transported from an originating telecommunications exchange to a terminating telecommunications exchange serving a called party subscriber terminal wherein the terminating telecommunications exchange extracts the directory number and displays it at a customer premise equipment CPE, such as a caller ID display unit, attached to the called party subscriber terminal and the called party subscriber is then able to ascertain the identity of the calling party subscriber before choosing to answer the incoming call connection and furthermore, the terminating

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telecommunications exchange is also able to selectively screen incoming call connections by rejecting, accepting, or rerouting the incoming call connections depending on the directory numbers associated therewith by defining an allowed list and/or disallowed list of directory numbers, the terminating telecommunications exchange is then able to selectively screen incoming call connections without requiring manual interventions or instructions as set forth at col. 1 lines 24-45 in the field of telephonic communications for the purpose of ascertaining the identity of the calling party and selectively screen incoming call connections without requiring manual interventions or instructions which clearly anticipate the means for processing said questionnaire includes means for indexing a questionnaire according to the directory number of said caller as in claim 4 and the located directory number corresponding to said name as in claim 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the means for processing said questionnaire includes means for indexing a questionnaire according to the directory number of said caller and the located directory number corresponding to said name as taught by Birze to the system of Busey et al. because Birze

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teaches the providing the desirable added feature of ascertaining the identity of the calling party and selectively screen incoming call connections without requiring manual interventions or instructions to the system operation in Busey et al.

11. Claims 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey et al. in view of Gisby.

Busey et al. disclose the packet switched call center communications system as described in paragraph 8 of this office action.

Busey et al. did not teach wherein an individual call may be accorded a priority within the call queue that is frozen such that no subsequent call may reduce said individual call's position in the queue as in claim 13; wherein a return call is advanced within the current call queue to a value equal to its position in a previous call queue as in claim 16; a call back request as in claim 17; and wherein said call queue permits calls from return callers to be accorded a queue position which takes into account the call's queue position during a previous call as in claim 15.

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Gisby teaches that it is known to provide a method and apparatus implementing a virtual queue environment wherein callers may disconnect from the call center without losing their place in a queue, and still be served in the order they originally held in queue as set forth at col. 2 lines 28-32 in the field of telephonic communications for the purpose of insuring client satisfaction by avoiding long waits on line which clearly anticipate an individual call may be accorded a priority within the call queue that is frozen such that no subsequent call may reduce said individual call's position in the queue as in claim 13. Col. 6 line 59 to col. 7 line 7 which recite tagging the caller's number, terminating the call and the caller, and the resulting virtual call being queued and stored in database wherein due to a prolonged waiting time experienced before an agent is available to handle the call, the caller terminate the connection and be called back when resource is available to route the call, all without losing position of the call clearly anticipate a return call being advanced within the current call queue to a value equal to its position in a previous call queue as in claim 16 and wherein said call queue permits calls from return callers to be accorded a queue position which takes into

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account the call's queue position during a previous call as in claim 15 and a call back request as in claim 17.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an individual call may be accorded a priority within the call queue that is frozen such that no subsequent call may reduce said individual call's position in the queue; wherein a return call is advanced within the current call queue to a value equal to its position in a previous call queue; a call back request; and wherein said call queue permits calls from return callers to be accorded a queue position which takes into account the call's queue position during a previous call as taught by Gisby to the system of Busey et al. because Gisby teaches the desirable providing the added feature of insuring client satisfaction by avoiding long waits on line in system operation in Busey et al.

#### **Conclusion**

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**13. Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

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(703) 872-9314, (for formal communications; please  
mark "EXPEDITED PROCEDURE")

Or:

(for informal or draft communications, please  
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal  
Park II, 2121 Crystal Drive, Arlington, VA., Sixth  
Floor (Receptionist).

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Shick Hom  
whose telephone number is (703) 305-4742. The examiner's regular  
work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and  
out of office on alternate Friday.

If attempts to reach the examiner by telephone are  
unsuccessful, the examiner's supervisor, Seema Rao, can be  
reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of  
this application or proceeding should be directed to the

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Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



DANG TON  
PRIMARY EXAMINER

SH

July 1, 2003